



01-07-03  
Docket No.: M4065.0675/P675  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
John T. Moore, et al.

Application No.: 10/602,720

Group Art Unit: N/A

Filed: June 25, 2003

Examiner: Not Yet Assigned

For: PCRAM CELL OPERATION METHOD TO  
CONTROL ON/OFF RESISTANCE  
VARIATION

**DECLARATION OF TERRY L. GILTON**  
**CALLING ATTENTION TO INFORMATION PURSUANT TO 37 C.F.R. § 1.56**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

I, Terry L. Gilton declare and state as follows:

1. I reside at 3149 E. Nature Dr., Boise, ID 83706.
2. I am one of the inventors of the invention disclosed and claimed in the above-captioned application.
3. Micron Technology, Inc. ("Micron") is the assignee of the invention claimed in the application identified above.

4. I am a project manager at Micron in charge of research and development of new memory devices, including memory devices based on variable resistance materials such as doped chalcogenide glass. I have held this position since April, 2000.

5. I am making this Declaration in order to bring to the attention of the Patent and Trademark Office information which may be deemed material to the prosecution of this application.

6. To my best information and belief, on March 22, 2000, Micron entered into a Research and License Agreement (Agreement) with Axon Technologies Corp. (Axon) and Michael Kozicki (Kozicki), pursuant to which Axon and/or Kozicki would perform certain research on behalf of and provide information to Micron with respect to Programmable Metallization Cell Technology (PMC Technology), which is based on metal-doped chalcogenide materials.

7. To my best information and belief, pursuant to the Agreement, the requirement by Micron to keep information received from Axon and/or Kozicki confidential has now expired.

8. To my best information and belief, pursuant to the Agreement, on or about September 5, 2000, Axon sent Micron several Kozicki invention disclosures, one of which was entitled "Optimized Electrodes for the Programmable Metallization Cell," and identified as M1-007. A copy of the cover letter forwarding the disclosures is attached as Exhibit A, while a copy of the invention disclosure is attached as Exhibit B. The discussion on pages 2 and 3 of the invention disclosure in Exhibit B may be material to the subject matter described and claimed in the present application.

9. To the best of my knowledge, the subject matter described in Exhibits A-B was not disclosed in any publication or otherwise publicly disclosed prior to the date they were delivered to Micron.

10. The information disclosed in the attached Exhibits may or may not be "material" pursuant to 37 C.F.R. § 1.56. The disclosure of this information is not

intended as an admission that it is material or that it constitutes prior art with respect to the invention claimed in the above-captioned application.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this declaration, the present application, or any patent resulting therefrom.

8/12/03

Date



Terry L. Gilton